

Kelsey L. Shewbert, OSB No. 221063
Kaytlin L. Carlson, OSB No. 212463
HWS LAW GROUP LLP
101 SW Main Street, Suite 1600
Phone: (503) 542-1200
Fax: (503) 542-5248
kshebert@hwsllawgroup.com
kcarlson@hwsllawgroup.com

Attorneys for Defendant Home Depot U.S.A., Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
DEPARTMENT OF PORTLAND

RONALD HAYES; JERAMIAH ARNOLD-
FOWLKES; and PRINCE-AMAHYZA
HUDSON,

Plaintiffs,

v.

HOME DEPOT U.S.A., INC., a Delaware
corporation; JOHN DOE; and JANE DOE,

Defendants.

NO. 3:22-CV-01609-IM

**JOINT STATUS REPORT AND
DISCOVERY PLAN**

I. INTRODUCTION

COMES NOW and Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(1), the parties, through undersigned counsel, hereby submit the following Joint Status Report and Discovery Plan.

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II. JOINT STATUS REPORT AND DISCOVERY PLAN

On November 14, 2022, counsel for both parties met via telephone in compliance with Fed. R. Civ. P. 26(f) and agree to the contents of this joint status report and discovery plan.

1. Statement of the Nature and Complexity of the Case

Plaintiffs Ronald Hayes, Jeramiah Arnold-Fowlkes and Prince-Amahyza Hudson (hereinafter “Plaintiffs”) have asserted claims for false arrest and discrimination related to an incident which occurred on June 22, 2022 at the Home Depot store located at 9300 SE 82nd Avenue, Happy Valley, Oregon. Plaintiffs seek noneconomic damages and attorneys’ fees.

Defendant Home Depot, U.S.A., Inc. (hereinafter “Home Depot”) contests liability and damages, as set forth in its Answer and Affirmative Defenses.

2. Deadline for Joining Additional Parties

The parties will add additional parties, if any, by July 24, 2023.

3. Discovery Plan

A. Initial disclosures

The parties waive initial disclosures.

B. Subjects, timing, and potential phases of discovery

As to the subjects, timing and potential phasing of discovery, the parties believe discovery on both liability and damages will be needed and that factual discovery should generally precede expert discovery. The parties do not believe formal discovery phasing is necessary. Therefore, the Parties largely agree with the Discovery and Pretrial Order as issued by the Court on October 24, 2022. *See* Dkt. 4.

However, **the parties respectfully request that the Court amends the Discovery and Pretrial Schedule Order as follows:**

- Fact Discovery Cutoff: July 24, 2023

- Expert Discovery Cutoff : September 25, 2023
- Confer as to Alternative Dispute Resolution: July 24, 2023
- File a Joint ADR Report: October 16, 2023
- File a Proposed Pretrial Order: October 16, 2023

C. Electronically stored information

The parties do not anticipate electronically stored information (“ESI”) will be present in this case. If there is any ESI subject to discovery, the scope and volume will likely not be excessive or complicated and the parties agree that the Model ESI Agreement is not necessary. If an issue arises at a later date, the parties agree to formulate a plan and present the same to the Court for approval.

D. Privilege issues

The parties do not anticipate any unique or unusual privilege issues. To the extent any privileged material is responsive to the parties’ discovery requests, the parties shall produce privilege logs recording those materials and the grounds on which the materials are withheld. Privilege logs shall be produced at the time of the document production to which they relate.

The parties have discussed and agree that this case will likely require a confidentiality protective order. The parties have filed a proposed Confidentiality Stipulation and Protective Order contemporaneously with this Report.

E. Proposed limitations on discovery

None. The parties agree that the limits on discovery set forth in Fed. R. Civ. P. 26(b)(1) and (2), 30(a), and 33(a) are appropriate and do not presently intend to seek an order deviating from those limits. The parties reserve the right to seek modifications regarding discovery limits in the future.

F. The need for any discovery related orders

The parties anticipate requesting a confidentiality stipulation and protective order. The parties anticipate submitting the 9th Circuit's Model Confidentiality Stipulation and Protective Order. Any other discovery disputes shall be presented to the court by requesting a discovery or case management conference.

4. Date Case Ready for Trial

The parties believe this case will be ready for trial on November 6, 2023.

5. Jury/Non-jury Trial

The parties jointly and individually request a jury trial with twelve (12) jurors.

6. Number of Trial Days

The parties anticipate four trial days will be required.

7. Trial Counsel

Plaintiffs' Counsel

Jason Kafoury
Mark McDougal
Kafoury & McDougal
411 SW 2nd Avenue, Suite 200
Portland, OR 97204

Defendant's Counsel

Kelsey L. Shewbert
Kaytlin L. Carlson
HWS Law Group
101 SW Main Street, Suite 1600
Portland, OR 97204

[signatures to follow]

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DATED this 12th day of December, 2022.

KAFOURY & McDOUGAL

By: /s/ Adam Kiel
Gregory Kafoury, OSB No. 091200
kafoury@kafourymcdougal.com
Mark McDougal, OSB No. 890869
mcdougal@kafourymcdougal.com
Adam Kiel, OSB No. 091231
kiel@kafourymcdougal.com
Attorneys for Plaintiffs

HWS LAW GROUP

By: /s/ Kaytlin L. Carlson
Kelsey L. Shewbert, OSB No. 221063
kshewbert@hwslawgroup.com
Kaytlin L. Carlson, OSB No. 212463
kcarlson@hwslawgroup.com
Attorneys for Defendant Home Depot U.S.A., Inc.

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Oregon, that the following is true and correct:

I am employed by the law firm of HWS Law Group LLP.

At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the State of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On the date set forth below I served the document(s) to which this is attached, in the manner noted on the following person(s):

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
<u>CO /Plaintiff</u> Gregory Kafoury Mark McDougal Adam Kiel Kafoury & McDougal 411 SW 2 nd Ave., Suite 200 Portland, OR 97204	<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;"> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> </div> <div> Via U.S. Mail Via E-Mail Via Messenger Service Via Court E-Service </div> </div> kafoury@kafourymcdougal.com mcdougal@kafourymcdougal.com kiel@kafourymcdougal.com

DATED this 12th day of December, 2022 in Seattle, Washington.

/s/ Antonio Alexander
Antonio Alexander, Legal Assistant